

October 30, 2024

TO: Senior District Judge Claudia Wilken
United States District Court
Oakland Courthouse @ 1301 Clay Street
Oakland CA 94612

RE: **House v. NCAA Settlement**

Dear Honorable Claudia Wilken

Let me begin with full disclosure, my son swims at one of the SEC schools that will be impacted by this ruling.

I recently read the SouthEast Athletic Conference (SEC) decided to require member schools to reduce their Men's swimming/diving roster to 22 athletes. This means on average 10 to 12 swimmers/divers will be cut from each swim/dive program at the end of the 2024-25 swim season. I understand these roster decisions will impact many other sports. I feel similarly for all student-athletes who have committed to participate in collegiant sports but my familiarity is with swimming.

These student-athletes made decisions to attend Universities based upon their swimming aspirations and the opportunity to earn a college education. They passed on opportunities at other Universities in order to continue their swimming aspirations in the SEC. All were aware of the level of competition in the SEC, many believe it is the most competitive swim conference in the NCAA. The majority of the swimmers I know welcomed the opportunity to compete against the best. Many hoping this level of training and competition would allow them to compete on a National or Olympic level. I am certain the majority of these student-athletes had no idea this particular lawsuit existed, never mind how it could impact their goal to swim in one of the best conferences in the NCAA. As with many decisions there tends to be unintended consequences. I am hopeful it was not the intent of your decision to negatively impact hundreds and possibly thousands of student-athletes.

When my son met with his future college swim coach the expectations were clearly outlined;

- You will be a good teammate to all teammates, be respectful of all coaches and staff and will bring a positive and productive attitude to the team.
- Your academic level will come with high expectations. You will attend classes and will be expected to maintain a strong GPA. You will be required to attend 6 hours per week of monitored study time and you will attend all required tutoring sessions.

- You will be an exemplary citizen of the swim team, the athletic department and the University. You will participate in organized team activities for charitable events and school functions including supporting other University athletic events.
- Your goal will be to swim at a level that will allow you to compete in the SEC and possibly the NCAA Championships, your swim schedule will include:
 - Practice from 5:45am to 8am 5 days per week
 - A second practice from 2pm to 3:30pm 4 days per week
 - You will work with the strength coach for 60 to 90 minutes 4 or 5 days per week
 - You will attend team meetings and functions on an as required basis.
 - You will attend your academic classes and all required academic events

I will not pretend to understand the legal nuances of this case nor would I argue the decisions being made are not well thought-out and being negotiated by extremely talented legal representatives. **What I will ASK is who is actually representing the student-athlete? Many of whom never expected compensation beyond any scholarship money they received from their sport. It is my opinion you are the only person who can do this without financial bias.** I believe we should agree all Universities in the SEC are on strong financial footing from both Endowment funding and athletic revenue sharing.

I also believe reasonable people can agree to a reasonable solution and you should always try to do the right thing not the easy thing. Student-Athletes participating in minimal revenue sports are watching their life-long dreams being taken away without a voice or vote in the decision.

Outlined below are 4 reasonable potential solutions and part of doing the right thing for all parties.

- 1) Athletes who are on rosters at the beginning of the 2024-25 academic/athletic year would be allowed to remain on the roster, practice and compete until their NCAA eligibility has expired (I believe this is 4 years) assuming the student-athlete is in good standing both academically and athletically. In reality this would be a future commitment of no more than 3 years since most athletes would have already used 1 or more years of their eligibility.
- 2) Could roster limits be phased in over a 4-year period.
 - i. 30 athletes for 2025-26
 - ii. 28 athletes for 2026-27
 - iii. 25 for 2027-28
 - iv. 22 for 2028-29 and beyond.
- 3) Could the pending changes to roster sizes be delayed by the Athletic Conferences until the 2028-29 academic/athletic year? Allowing the current student-athletes to complete their NCAA eligibility and education at the University they committed to and allowing the Universities to fulfill their commitment to the student-athlete.
- 4) Could you reduce the active roster to 22 student-athletes and have an additional 8 swimmers who are on a training roster (eligible to practice and train with the team and swim in competitive exhibitions) but could only be moved to active roster status to replace an

injured, sick, ineligible or under-performing athlete (similar to baseball's minor league system).

All these potential solutions would be subject to the student-athlete being in good standing both academically and athletically. My proposed solutions would continue all team, athletic department and University standards/guidelines/expectations and codes of conduct.

In conclusion, by allowing the student-athlete to maintain their roster spot:

- The University would be honoring the commitment they made to the student-athlete when they recruited and signed them to a National Letter of Intent.
- It would demonstrate to the student-athlete the importance of honoring one's commitment from the perspective of the student-athlete and the University.
- It would allow the student-athlete to continue their life-long aspiration of earning the opportunity to swim on a national level.
- It would allow student-athletes to complete their education at the University they chose and not require them to attempt to transfer just so they can pursue their swimming aspirations.
- The University's financial commitment would not be open-ended it would be limited (for the majority of athletes) to 3 years or less.

Thank you for reading my letter and considering my perspective and potential solutions.

I would welcome the opportunity to discuss my thoughts and recommendations (and many other parents whose child is negatively impacted by the case) with you.

Best Regards,



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